

REMARKS

This Amendment is being filed in response to the Office Action mailed December 29, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-10 are pending in the Application, where claims 1 and 10 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1 and 10 have been amended for non-statutory reasons, such as changing "characterized in that" to --wherein-- and deleting a reference numeral typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1 and 10 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-6 and 10 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,026,028 (Obata) in view of U.S. Patent No. 5,978,338 (Nakamura). Further, claims 7-9 are rejected under 35 U.S.C. §103(a) over Obata in view of Nakamura and U.S. Patent No. 5,844,869 (Suenaga). Applicants respectfully traverse and submit that claims 1-10 are patentable over Obata, Nakamura and Suenaga for at least the following

reasons.

Obata is directed to an optical disk apparatus where a constant linear velocity control (CLV control) or a constant angular velocity control (CAV control) is used depending on the type of medium. In particular, as recited on column 19, lines 53-61, a spindle control circuit 336 controls the spindle motor 60 based on CAV control in the recording/reproducing mode of a magneto-optical (MO) disk cartridge 12, and based on CLV control when a compact disc (CD) 14 is reproduced. As correctly noted on page 3, last paragraph of the Office Action, Obata does not disclose or suggest that "the rotation speed control unit comprises a speed selector for selecting one of at least two speed settings for the read mode in dependence on an actual rotation speed of the record carrier during the write mode when switching from write mode to read mode, the difference in rotation speed between said actual rotation speed and the speed in the read mode being limited by said selection," as recited in independent claim 1, and similarly recited in independent claim 10. FIGs 5-7 and column 5, lines 31-47 of Nakamura is cited in attempt to remedy the deficiencies in Obata.

Nakamura is directed to an apparatus for reproducing short length data stored on an optical disk. Column 5, lines 31-47 of Nakamura specifically recite (emphasis added):

Now, the reproduction operation in the case of CLV type clock-locked recording to CAV type reproduction will be described with reference to an example of a track address (TA). Assume that, as with the conventional example, the track address (TA) is formatted as shown in FIG. 5. The recording method and the clock phase relationship are shown in FIG. 7. In the figure there is added an octuple track address clock

(8TACK) signal that is faster than the double track address clock (2TACK) signal of FIG. 6 which is the minimum inverting interval of recording. If the CLV type clock-locked recording to CAV type reproduction is performed on the track address (TA) formatted as shown in FIG. 5, the means for sampling data only by a double track address clock (2TACK) signal as in the aforementioned conventional example will not be able to reproduce data correctly, because a reproduced frequency varies depending upon the position of a head over a track.

The above section of Nakamura merely describes that sampling data only by a 2TACK signal will not correctly reproduce data, because a reproduced frequency varies depending upon the position of a head over a track. Such a disclosure has nothing to do, and does not disclose or suggest that "the rotation speed control unit comprises a speed selector for selecting one of at least two speed settings for the read mode in dependence on an actual rotation speed of the record carrier during the write mode when switching from write mode to read mode," as recited in independent claim 1, and similarly recited in independent claim 10. (Illustrative emphasis provided) Suenaga is cited to allegedly show other features and does not remedy the deficiencies in Obata and Nakamura.

Accordingly, it is respectfully requested that independent claims 1 and 10 be allowed. In addition, it is respectfully submitted that claims 2-9 should also be allowed at least based on their dependence from independent claim 1, as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented

remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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